

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

JENNA SIMS and RICHARD MCMANUS)	
)	
Plaintiffs,)	
v.)	Court No. 1:11 cv 06403
)	
BEAM GLOBAL SPIRITS & WINE, INC.)	Judge Robert W. Gettleman
)	
Defendant.)	Magistrate Judge Morton Denlow
)	
)	
)	

**DEFENDANT BEAM GLOBAL SPIRITS & WINE, LLC, formerly known as BEAM
GLOBAL SPIRITS & WINE INC.'S UNOPPOSED MOTION
FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE PLEAD**

Defendant Beam Global Spirits & Wine, LLC, formerly known as Beam Global Spirits & Wine, Inc. ("Beam" or "Defendant") moves this Honorable Court for an extension to file its answer or otherwise plead to Plaintiffs' Complaint. In further support of this motion, Defendant states as follows:

1. Plaintiffs filed their Complaint on September 14, 2011.
2. Plaintiffs' Complaint is a putative class action suit against Beam regarding Skinnygirl Margarita. (Doc. No. 1).
3. Beam was served with Plaintiffs' Complaint on September 16, 2011. Consequently, Beam's answer or responsive pleadings were due on October 7, 2011.
4. Beam's counsel, Richard Keating, was retained and appeared in this matter after service was effectuated.
5. Beam's counsel were unaware at the time of their appearance that service had already been made on Beam.

6. Only recently Beam was made aware, and subsequently their counsel, that service had been perfected on September 16, 2011.

7. Upon learning of this situation, Beam's counsel contacted Plaintiffs' counsel, including Matthew Armstrong and Peter Burke.

8. Mr. Armstrong informed Beam's counsel that he did not have any objection to an extension to answer or otherwise plead.

9. Similarly, Mr. Burke confirmed via a voicemail message on October 31, 2011 that he would also not object to an extension to answer or otherwise plead. In follow-up emails, it was agreed to by the parties that Beam would ask for 30 days from the date of Mr. Burke's voicemail, or until November 30, 2011, for an extension to answer or otherwise plead.

10. No party will be prejudiced by this extension, as this case has not proceeded to any discovery.

11. Further, Plaintiffs do not oppose this motion.

12. This case is one of eight cases involving Skinnygirl Margaritas that are subject to a motion to transfer under 28 U.S.C. § 1407 filed with the United States Judicial Panel on Multidistrict Litigation, under MDL Number 2306. Defendant, as well as other defendants named in the other seven cases, oppose the motion to transfer.

WHEREFORE, the Defendants, Beam Global Spirits & Wine, LLC, formerly known as Beam Global Spirits & Wine, Inc. respectfully requests this Honorable Court to enter an order granting Defendant Beam Global Spirits & Wine, LLC. a 30 day extension, until November 30, 2011, to file its answer or responsive pleadings, and any other relief this court feels is just and necessary.

Respectfully Submitted,

By: /s/ Richard J. Keating, Jr.
One of the attorneys for the Defendant
Beam Global Spirits & Wine, LLC.

Richard J. Keating ARDC# 6229550
Swanson, Martin & Bell, LLP
330 North Wabash Avenue, Suite 3300
Chicago, IL 60611
312-321-9100
312-321-0990 FAX
rkeating@smbtrials.com

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

JENNA SIMS and RICHARD)	
MCMANUS)	
)	Court No. 1:11 cv 06403
Plaintiff,)	
v.)	Judge Robert W. Gettleman
)	
BEAM GLOBAL SPIRITS & WINE,)	
INC.)	Magistrate Judge Morton Denlow
)	
Defendants.)	
)	
)	

CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2011, I electronically filed the Unopposed Motion for Extension of Time to Answer or Otherwise Plead of Beam Global Spirits & Wine, LLC, formerly known as Beam Global Spirits & Wine, Inc. with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Matthew H. Armstrong
Armstrong Law Firm LLC
8816 Manchester Rd., No. 109
St. Louis, MO 63144
314-258-0212
matt@mattarmstronglaw.com

Peter H. Burke
Burke, Harvey & Frankowski, LLC
2151 Highland Ave., Suite 120
Birmingham, AL 35205
205-930-9091
pburke@bhflegal.com

By: /s/ Richard J. Keating, Jr.
Richard J. Keating, Jr., ARDC #6229550
Attorneys for Defendants
BEAM GLOBAL SPIRITS & WINE, INC. and
FORTUNE BRANDS, INC.
SWANSON, MARTIN & BELL, LLP
330 North Wabash, Suite 3300
Chicago, IL 60611
(312) 321-9100
(312) 321-0990 (fax)
rkeating@smbtrials.com